

WOMBLE  
CARLYLE  
SANDRIDGE  
& RICE  
A PROFESSIONAL LIMITED  
LIABILITY COMPANY



Seventh Floor  
1401 Eye Street, N.W.  
Washington, DC 20005

Telephone: (202) 467-6900  
Fax: (202) 467-6910  
Web site: www.wcsr.com

ORIGINAL

DOCKET FILE COPY ORIGINAL

Michael H. Shacter  
Direct Dial: (202) 857-4494  
Direct Fax: (202) 261-0005  
E-mail: mshacter@wcsr.com

April 26, 2005

RECEIVED

APR 26 2005

Federal Communications Commission  
Office of Secretary

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: Petition for Rule Making to Amend FM Table of Allotments**

Dear Ms. Dortch:

Transmitted herewith on behalf of L.M. Communications of Kentucky, LLC and Gateway Radio Works, Inc., are an original and four (4) copies of a Petition for Rule Making to Amend the FM Table of Allotments.

Should any questions arise in connection with this matter, kindly communicate directly with the undersigned.

Respectfully submitted,

Michael H. Shacter

Enclosure

No. of Copies rec'd  
List ABCDE

C+4  
MB 05-39

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**

APR 26 2005

Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MB Docket No. \_\_\_\_\_  
Table of Allotments, ) RM- \_\_\_\_\_  
FM Broadcast Stations. )  
(Midway, Falmouth, and Owingsville, )  
Kentucky) )

To: Office of the Secretary  
Assistant Chief, Audio Division, Media Bureau

**PETITION FOR RULE MAKING**

L.M. Communications of Kentucky, LLC ("LMC"), the licensee of WBTF(FM), Midway, Kentucky, Channel 300A, FCC Facility ID No. 4592, and Gateway Radio Works, Inc. ("Gateway"), the licensee of WKCA(FM), Owingsville, KY, FCC Facility ID No. 23345, by their respective counsel, pursuant to Sections 1.401 and 1.420 of the Commission's rules, hereby request that the Commission amend the FM Table of allotments as follows:

(a) substitute Channel 298C3 for Channel 300A at Midway, KY, with new reference coordinates located at 38-6-25 North Latitude and 84-33-19 West Longitude, and modify the license of station WBTF accordingly;

(b) substitute Channel 300A for Channel 298A at Falmouth, KY, and modify the license of Hammond Broadcasting, Inc. ("Hammond") for station WIOK, FCC Facility ID No. 1298, accordingly; and

(c) substitute Channel 295A for Channel 299A at Owingsville, KY, with new reference coordinates located at 38-8-34 North Latitude and 83-36-18 West Longitude, and modify the license of station WKCA accordingly.

A Technical Report prepared by Charles M. Anderson Associates in support of this Petition demonstrates that the proposed changes may be implemented in compliance with the Commission's technical rules. A copy of the Technical Report accompanies this Petition as Exhibit A.

The following table summarizes the changes proposed in this Petition:

Community	Existing	Proposed	Coordinates
Midway, KY	300A	298C3	N 38-06-25 W 84-33-19 12.35 km SE (113.7 Deg)
Falmouth, KY	298A	300A	N 38-35-13 W 84-21-40 WIOK Licensed site
Owingsville, KY	299A	295A	N 38-08-34 W 83-36-18 13.96 km E (90.9 Deg)

If this Petition is granted, LMC, as the licensee of WBTF will file an application for Channel 298C3 at Midway, KY, and will construct the facilities as authorized. Gateway has consented to the channel change for WKCA as proposed in this proceeding. A copy of Gateway's consent accompanies this Petition as Exhibit B.

LMC respectfully requests that the Commission issue an Order to Show Cause directed to Hammond, the licensee of WIOK, with respect to the proposed channel substitution at Falmouth, KY. As discussed herein, the proposed channel substitution would be in the public interest as contemplated by Section 316(a) of the Communications Act of 1934, as amended. LMC agrees to pay the reasonable expenses of Hammond in connection with the channel change.<sup>1</sup>

---

<sup>1</sup> See *Circleville, Ohio*, 8 FCC 2d 159 (1967)

## **I. Midway, KY**

This Petition proposes the assignment of 298C3 at Midway in substitution for 300A at the following coordinates:

38-6-25 North Latitude and 84-33-19 West Longitude

An allocation study is included in the Technical Report as Exhibit E1. The study demonstrates that the proposed allotment reference point meets all applicable Commission separation requirements. Exhibit E2 to the Technical Report demonstrates that a 70 dBu signal can be provided to Midway from the proposed reference point, and Exhibit E3 shows that line of sight may be obtained from the proposed reference point. The proposed Midway allocation will serve a population of 481,586 and an area of 4,803 sq. km. This represents a net population gain of 142,376 (+42%) after deducting the loss area's population of 145. The area gain is 2,252 sq. km.(+89.5%) after deducting the loss area of 34.6 sq. km.

Exhibit E5 shows the considerable area within which 298C3 may be assigned to Midway while meeting all applicable Commission separation requirements and providing city grade coverage (70 dBu) to Midway.

The gain and loss areas are plotted on Exhibit E5, and Exhibit E6 demonstrates that the small loss area receives well in excess of five (5) fulltime FM services, and thus will continue to be well served.

## **II. Falmouth, KY**

The substitution of Channel 300A for Channel 298A at Falmouth, KY is proposed at the WIOK licensed site (38-35-13 North Latitude and 84-21-40 West Longitude). The allocation study included as Exhibit E4 to the Technical Report demonstrates that the proposed allotment reference point meets all applicable Commission separation requirements.

### III. Owingsville, KY

The substitution of Channel 295A for Channel 299A at Owingsville, KY is proposed for station WKCA at a specified site of 38-08-34 North Latitude and 83-36-18 West Longitude. The allocation study included as Exhibit E8 to the Technical Report demonstrates that the proposed allotment reference point meets all applicable Commission separation requirements. Exhibit E9 demonstrates 70 dBu coverage of Owingsville from the proposed reference point, and Exhibit E10 shows that line of sight may be obtained from the proposed reference point. Exhibit E11 depicts the useable area for Channel 295A at Owingsville, indicating significant site selection flexibility.

This Petition offers significant public interest benefits. The proposal will bring a substantial net increase in population and area served. Accordingly, Petitioners urge the Commission to grant this Petition.

Respectfully submitted,

**Gateway Radio Works, Inc.**

By: Michael H. Shacter

John F. Garziglia, Esq.  
Michael H. Shacter, Esq.  
Womble Carlyle Sandridge & Rice, PLLC  
1401 Eye Street, Seventh Floor  
Washington, D.C. 20005  
(202) 467-6900

Its Attorneys

**L.M. Communications of Kentucky,  
LLC**

By: Sally A Buckman (by MHS)

Sally A. Buckman, Esq.  
Leventhal Senter & Lerman  
2000 K Street, NW  
Suite 600  
Washington, D.C. 20006  
(202) 416-6762

Its Attorneys

April 26, 2005

## EXHIBIT A

**TECHNICAL REPORT**

This technical report was developed in support of a petition for rulemaking seeking the upgrade of station WBTF on 300A at Midway, KY to second adjacent channel 298C3. In order to accommodate this proposal, the substitution of channel 300A for 298A is proposed for station WIOK at Falmouth, KY and the substitution of channel 295A for channel 299A at Owingsville, KY at a new site specified below.

Exhibit E-1 demonstrates that the 298C3 allocation for WBTF at Midway is entirely mutually exclusive with its existing 300A licensed facility.

<b>Community</b>	<b>Existing</b>	<b>Proposed</b>	<b>Coordinates</b>
Midway, KY	300A	298C3	N 38-06-25 W 84-33-19 12.35 km SE (113.7 Deg)
Falmouth, KY	298A	300A	N 38-35-13 W 84-21-40 WIOK Licensed site
Owingsville, KY	299A	295A	N 38-08-34 W 83-36-18 13.96 km East (90.9 Deg)

**I. Allocation Analysis - Midway:**

The assignment of 298C3 at Midway for WBTF is proposed at coordinates:

**N 38-06-25 W 84-33-19.**

An allocation study is included as Exhibit E1 demonstrating that the proposed allotment reference point meets all applicable Commission separation requirements. Exhibit E2 demonstrates the proposed 298C3 allocation's 70 dBu

## **Charles M. Anderson Associates**

---

coverage of Midway, and E3 shows that line of sight may be obtained from the proposed allocation point. The new Midway 298C3 will serve a population of 481,586 and an area of 4,803 sq km. This represents a population gain of 142,376 (+42%) after the loss area's population of 145 is deducted. The area gain is 2,252 sq km (+89.5%) after the loss area of 34.6 sq km is deducted.

Exhibits E5 shows the considerable area within which 298C3 may be assigned to Midway while meeting all applicable Commission separation requirements and providing city grade coverage (70 dBu) to Midway.

The gain and loss areas are plotted on Exhibit E5, and Exhibit E6 demonstrates that the small loss area receives well in excess of five (5) fulltime FM services. This study is based on uniform, maximum 60 dBu radii for all commercial FM stations and actual 60 dBu predicted contours for noncommercial stations.

### **II. Falmouth 300A substitution:**

The substitution of channel 300A for channel 298A at Falmouth, KY is proposed at the WIOK licensed site (**N 38-35-13 W 84-21-40**). An allocation study is included as Exhibit E4 demonstrating that the proposed allotment reference point meets all applicable Commission separation requirements.

### **III. Owingsville 295A substitution:**

The substitution of channel 295A for channel 299A at Owingsville, KY is proposed for station WKCA at a specified site of **N 38-08-34 W 83-36-18**.



## **Charles M. Anderson Associates**

---

An allocation study is included as Exhibit E8 demonstrating that the proposed allotment reference point meets all applicable Commission separation requirements. Exhibit E9 demonstrates 70 dBu coverage of Owingsville, and E10 shows that line of sight may be obtained from the proposed allocation point. Exhibit E11 depicts the useable area for channel 295A at Owingsville indicating significant site selection flexibility.

### **IV. Conclusion:**

It is concluded that the proposed Midway, KY 298C3 adjacent channel upgrade for station WBTF and the related channel substitutions at Falmouth and Owingsville, KY are in full compliance with Commission rules and policies, and will serve a population of 481,586 and an area of 4,803 sq km representing a population gain of 142,376 (+42%) and an area gain of 2,252 sq km (+89.5%).



---

Charles M. Anderson 4-14-2005  
1519 Euclid Avenue  
Bowling Green, KY 42103  
270-782-0246  
[cmanderson43@yahoo.com](mailto:cmanderson43@yahoo.com)

© 2005 Charles M. Anderson Associates

E1 MIDWAY 298C3

REFERENCE

38 06 25 N  
84 33 19 W

CLASS = C3

Current Spacings

Channel 298 - 107.5 MHz

DISPLAY DATES

DATA 02-17-05

SEARCH 02-17-05

Call	Channel	Location		Azi	Dist	FCC	Margin	
WIOK	LIC 298A	Falmouth	KY	17.5	55.91	141.5	-85.59	(1)
WBTF.C	CP -Z 300A	Midway	KY	232.8	11.30	41.5	-30.20	(2)
WBTF	LIC-N 300A	Midway	KY	322.7	12.26	41.5	-29.24	(2)
WKCA.C	CP -N 299A	Owingsville	KY	90.0	62.05	88.5	-26.45	(3)
WKCA	LIC-N 299A	Owingsville	KY	82.2	68.88	88.5	-19.62	(3)
WHIRFM	CP 296A	Danville	KY	203.2	41.92	41.5	0.42	
WGKS	LIC 245C2	Paris	KY	83.3	17.82	16.5	1.32	
WSFR	LIC 299B1	Corydon	IN	274.0	119.33	113.5	5.83	
WHIRFM	LIC-N 296A	Danville	KY	201.3	51.53	41.5	10.03	
WZZZ	LIC 298A	Portsmouth	OH	62.7	152.15	141.5	10.65	
RADD	ADD 297A	New Haven	KY	247.2	110.44	88.5	21.94	
WCTTFM	LIC 297C2	Corbin	KY	162.5	140.07	116.5	23.57	
RDEL	DEL 297A	Lebanon Junction	KY	250.3	118.77	88.5	30.27	
WTHX	LIC 297A	Lebanon Junction	KY	250.3	118.77	88.5	30.27	
WMMX	LIC 299B	Dayton	OH	9.3	181.76	144.5	37.26	
WVEZ	LIC 295B	Louisville	KY	285.3	115.05	70.5	44.55	
WRZQFM	LIC-N 297B1	Greensburg	IN	320.7	161.82	113.5	48.32	
WZLK.C	CP 298A	Virgie	KY	111.4	190.34	141.5	48.84	
WZLK	LIC 298A	Virgie	KY	114.2	192.72	141.5	51.22	
WWAG	LIC 300A	McKee	KY	144.1	97.55	41.5	56.05	
WKFS	LIC-N 296B1	Milford	OH	2.3	112.15	49.5	62.65	
WRVW	LIC 298C1	Lebanon	TN	224.7	285.23	210.5	74.73	
DWZZQ	VAC 298B	Terre Haute	IN	302.7	294.95	210.5	84.45	
AP298	APP 298B	Terre Haute	IN	300.9	295.55	210.5	85.05	
WORXFM	LIC 244A	Madison	IN	315.4	99.67	11.5	88.17	
WIVKFM	LIC 299C	Knoxville	TN	162.6	266.68	175.5	91.18	
AP244	APP 244A	Annville	KY	152.1	108.86	11.5	97.36	
AP244	APP-N 244A	Annville	KY	152.1	108.94	11.5	97.44	
RDEL	DEL 244A	Annville	KY	148.5	112.22	11.5	100.72	
VA244	VAC 244A	Annville	KY	148.5	112.22	11.5	100.72	

(1) Substitution of 300A proposed herein.

(2) Upgrade to 298C3 proposed herein.

(3) Substitution of 295A proposed herein.

**E2 298C3 MIDWAY**

Latitude: 38-06-25 N  
Longitude: 084-33-19W

298C3 70 DBU = 23.2 KM

Stamping Ground

MIDWAY CITY  
BOUNDARIES

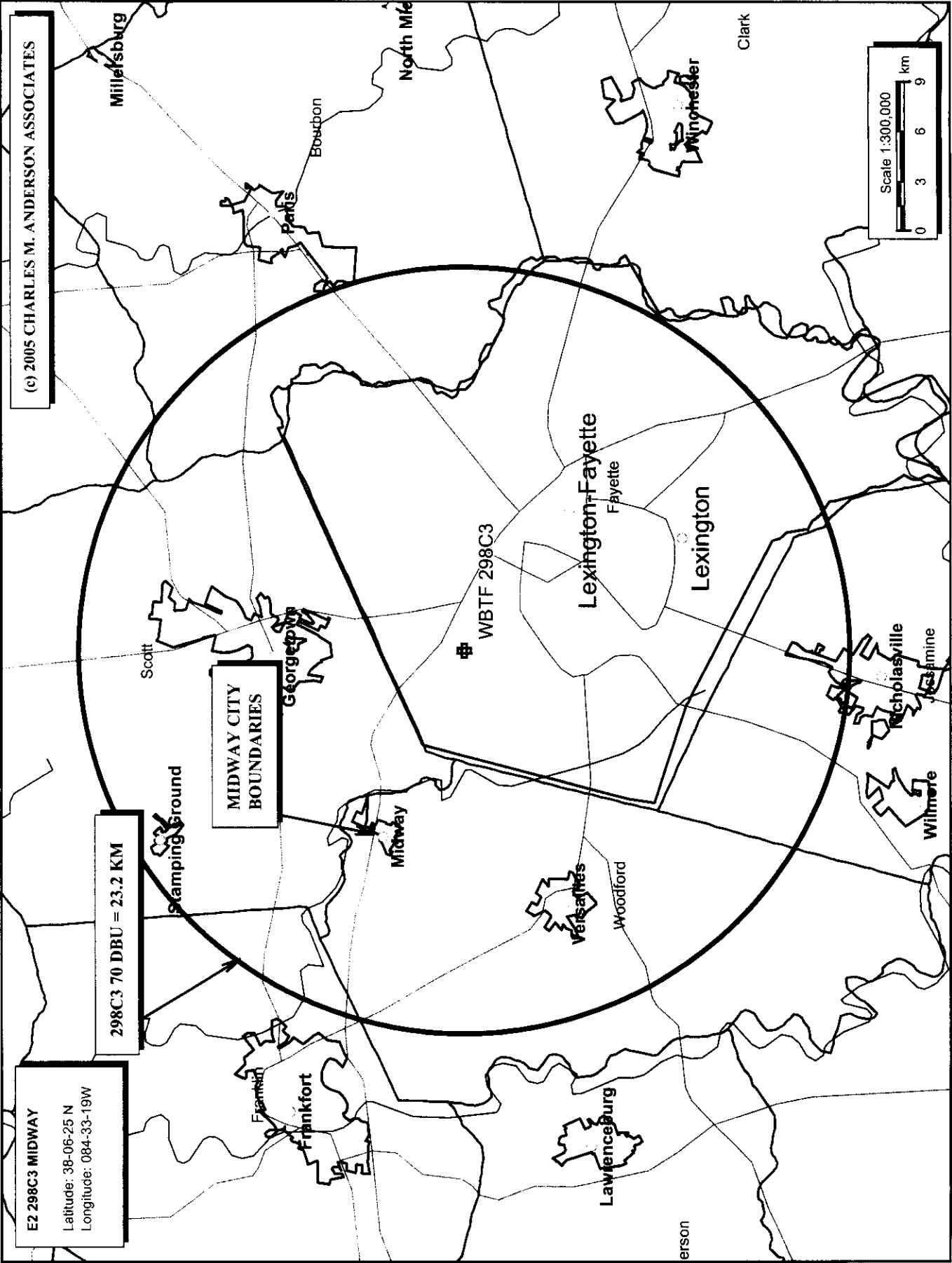
WBTF 298C3

Lexington-Fayette  
Fayette

Lexington

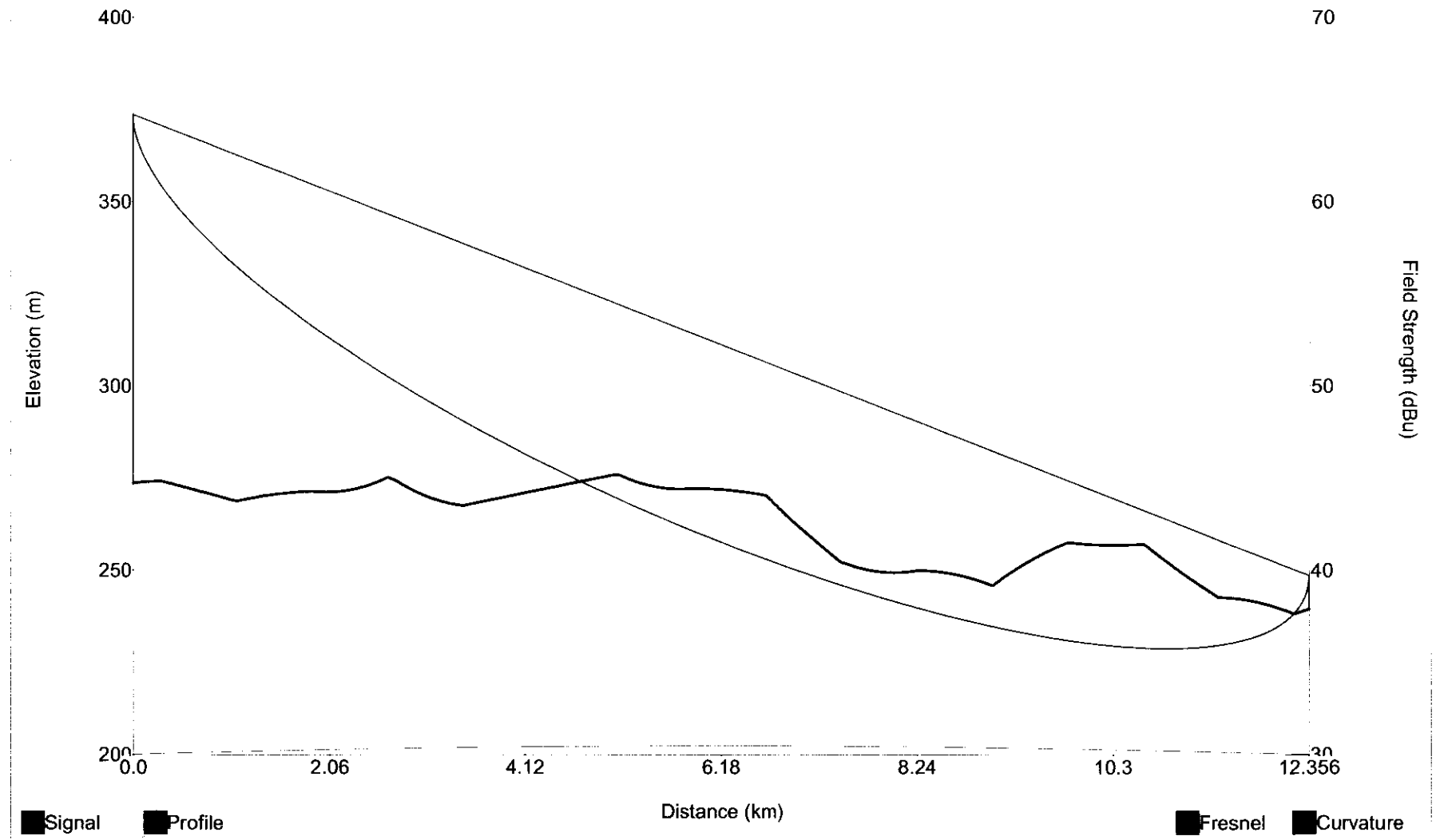
(c) 2005 CHARLES M. ANDERSON ASSOCIATES

Scale 1:300,000



# E3 298C3 LINE OF SIGHT TO MIDWAY REFERENCE POINT

Earths Curvature = 1.33



Starting Latitude: 38-06-25 N  
Starting Longitude: 084-33-19 W

End Latitude: 38-09-02 N  
End Longitude: 084-41-02 W

Distance: 12.356445225 km  
Bearing: 293.104 deg

Transmitter Height (AG) = 100.0 m  
Receiver Height (AG) = 9.1 m

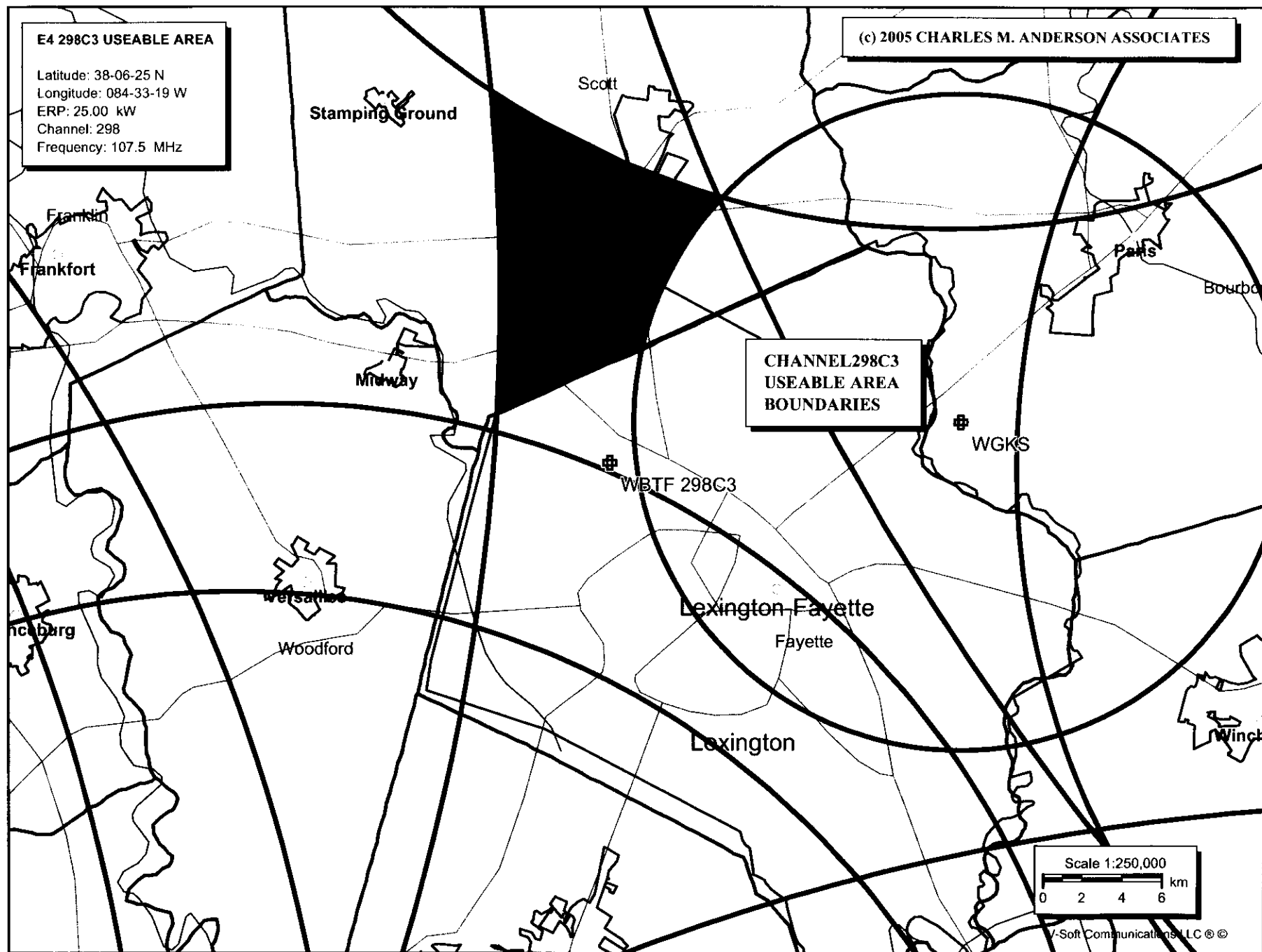
Transmitter Elevation = 273.6 m  
Receiver Elevation = 239.5 m

Frequency = 107.5 MHz  
Fresnel Zone: 0.6

**E4 298C3 USEABLE AREA**

Latitude: 38-06-25 N  
Longitude: 084-33-19 W  
ERP: 25.00 kW  
Channel: 298  
Frequency: 107.5 MHz

(c) 2005 CHARLES M. ANDERSON ASSOCIATES



ES 298C3 GAIN-LOSS AREA

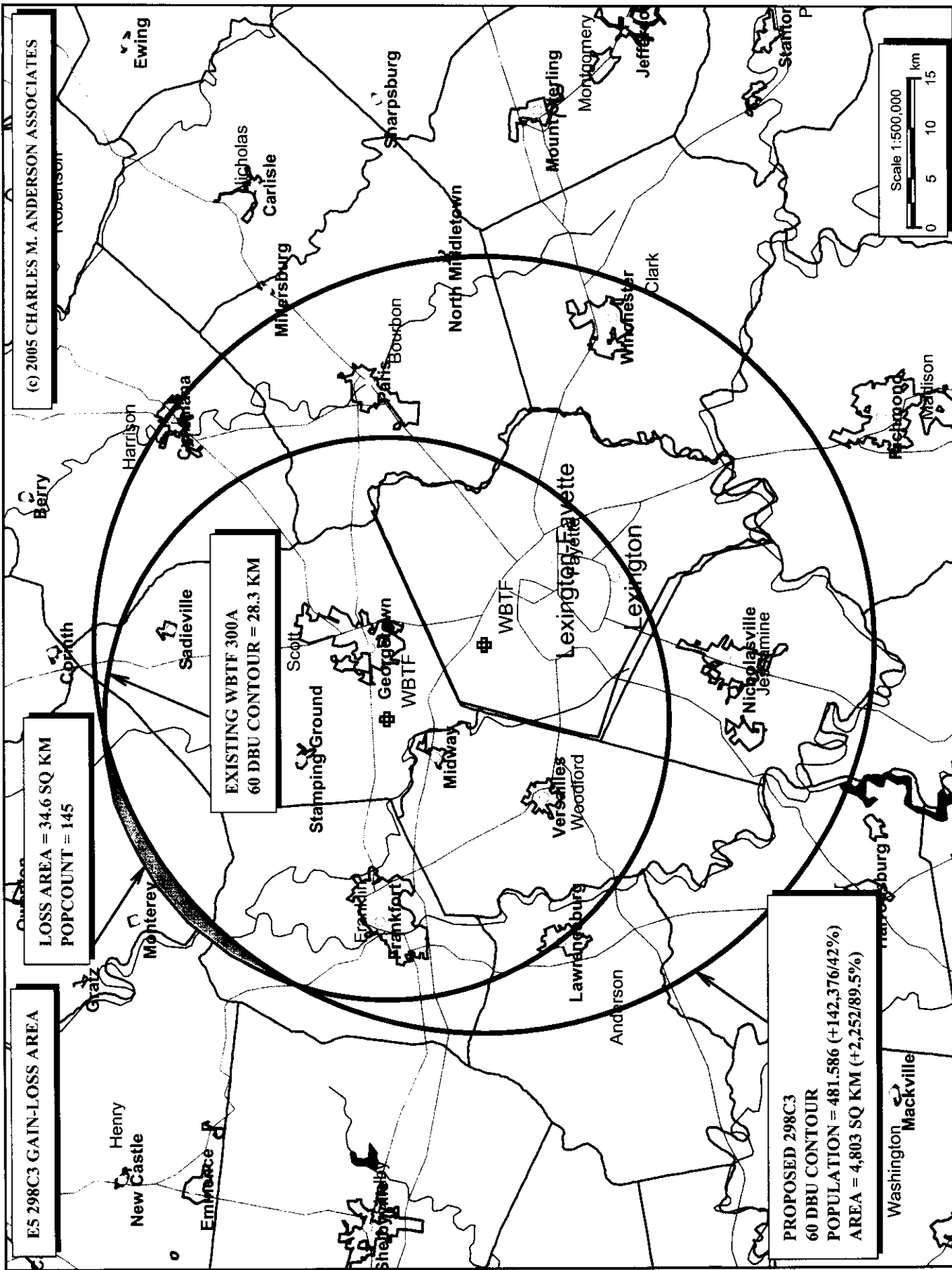
LOSS AREA = 34.6 SQ KM  
POPCOUNT = 145

EXISTING WBTF 300A  
60 DBU CONTOUR = 28.3 KM

PROPOSED 298C3  
60 DBU CONTOUR  
POPULATION = 481,586 (+142,376/42%)  
AREA = 4,803 SQ KM (+2,252/89.5%)

(c) 2005 CHARLES M. ANDERSON ASSOCIATES

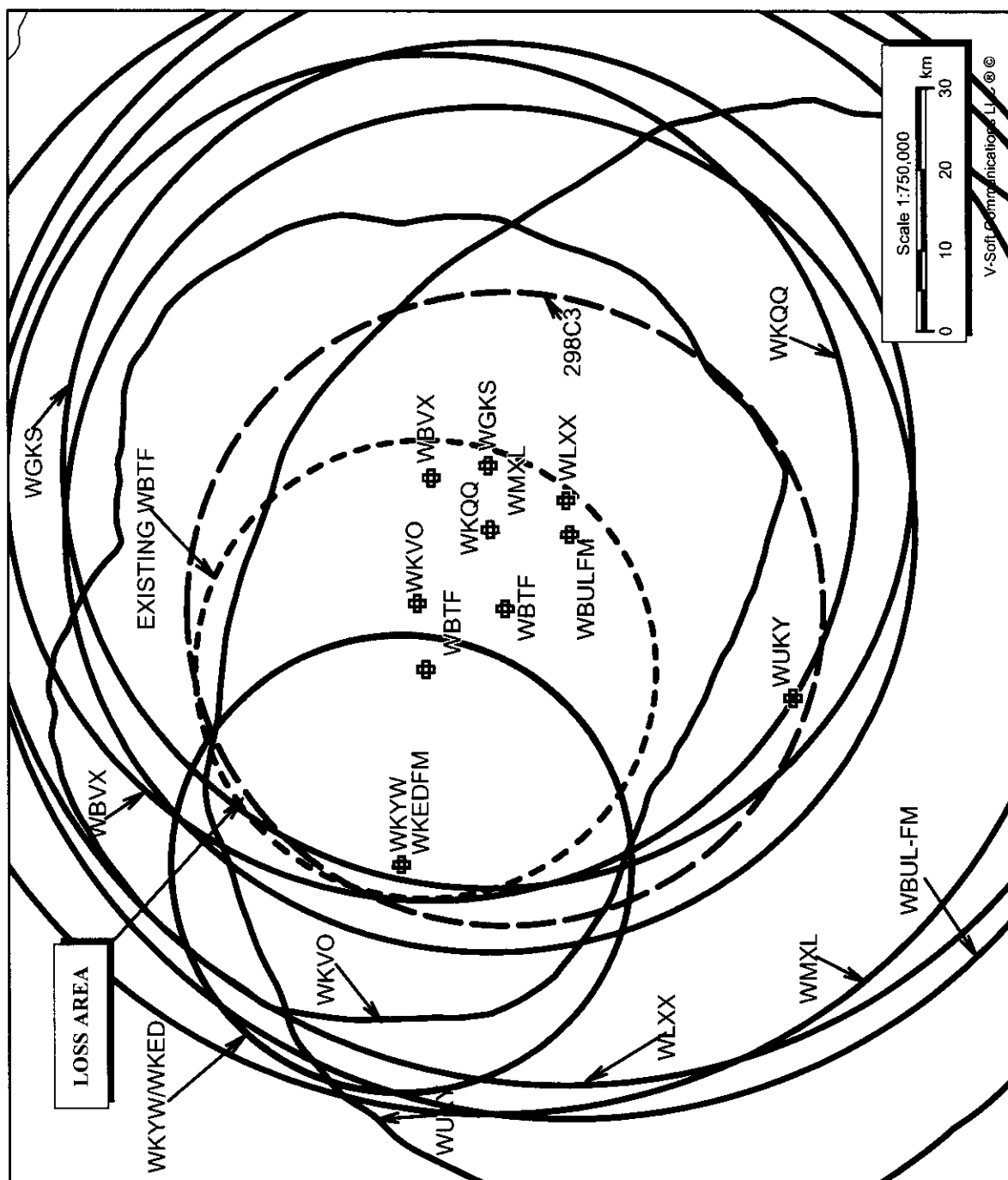
Scale 1:500,000  
0 5 10 15 km



**E6**  
EXISTING FM SIGNALS  
DEMONSTRATING 5+  
SIGNALS IN LOSS AREA

**WBTF**

Latitude: 38-06-25 N  
Longitude: 084-33-19 W



## E7 FALMOUTH WIOK 300A

## REFERENCE

38 35 13 N

84 21 40 W

CLASS = A

Current Spacings

## DISPLAY DATES

DATA 02-12-05

SEARCH 02-15-05

----- Channel 300 - 107.9 MHz -----

Call	Channel	Location		Azi	Dist	FCC	Margin	
WBTF	LIC-N 300A	Midway	KY	209.2	49.90	114.5	-64.60	(1)
WBTF.C	CP -Z 300A	Midway	KY	203.4	65.46	114.5	-49.04	(1)
WIOK	LIC 298A	Falmouth	KY	0.0	0.00	30.5	-30.50	(2)
WKCA	LIC-N 299A	Owingsville	KY	130.9	67.64	71.5	-3.86	(3)
WKCA.C	CP -N 299A	Owingsville	KY	140.0	69.85	71.5	-1.65	(3)
WEMMFM	LIC 300B	Huntington	WV	93.2	184.00	177.5	6.50	
WMMX	LIC 299B	Dayton	OH	5.8	126.67	112.5	14.17	
WWAG	LIC 300A	Mckee	KY	163.2	138.25	114.5	23.75	
WTPI	LIC 300B	Indianapolis	IN	313.1	215.24	177.5	37.74	
WSFR	LIC 299B1	Corydon	IN	251.7	143.22	95.5	47.72	
WAQZ	LIC-Z 247A	Fort Thomas	KY	348.5	69.51	9.5	60.01	
WZZZ	LIC 298A	Portsmouth	OH	82.3	119.53	30.5	89.03	
WRZQFM	LIC-N 297B1	Greensburg	IN	301.1	139.56	47.5	92.06	
WKYRFM	LIC 300A	Burkesville	KY	204.5	218.68	114.5	104.18	
WODB	LIC 300A	Delaware	OH	33.2	221.55	114.5	107.05	
AL247	RSV 247C2	Jackson	KY	140.3	131.64	14.5	117.14	
WJSNFM	CP 247C2	Jackson	KY	140.3	131.64	14.5	117.14	
RADD	ADD 297A	New Haven	KY	231.1	152.71	30.5	122.21	
RDEL	DEL 297A	Lebanon Junction	KY	234.1	158.97	30.5	128.47	
WTHX	LIC 297A	Lebanon Junction	KY	234.1	158.97	30.5	128.47	
WCTTFM	LIC 297C2	Corbin	KY	172.4	188.56	54.5	134.06	
WRLVFM	LIC-N 247C3	Salyersville	KY	128.7	146.28	11.5	134.78	
WSEO	LIC 299A	Nelsonville	OH	61.6	209.31	71.5	137.81	
WAMWFM	LIC 300A	Washington	IN	272.4	254.27	114.5	139.77	
WIVKFM	LIC 299C	Knoxville	TN	168.6	314.08	164.5	149.58	
WBVB	LIC-N 246A	Coal Grove	OH	95.9	160.35	9.5	150.85	
WCKX	LIC 298A	Columbus	OH	37.1	192.88	30.5	162.38	
WJFX	LIC-Z 300A	New Haven	IN	347.7	277.18	114.5	162.68	
WSEK	LIC 246C2	Somerset	KY	185.8	181.37	14.5	166.87	
WCVQ	LIC 300C1	Fort Campbell	KY	233.0	369.73	199.5	170.23	

(1) Move to 298C3 proposed herein.

(2) Move to 300A proposed herein.

(3) Move to 295A proposed herein.



## E8 OWINGSVILLE 295A ALLOCATION

REFERENCE  
38 08 34 N  
83 36 18 W

CLASS = A  
Current Spacings

DISPLAY DATES  
DATA 02-12-05  
SEARCH 02-15-05

----- Channel 295 - 106.9 MHz -----

Call	Channel	Location		Azi	Dist	FCC	Margin
WLFX	LIC-Z 294A	Berea	KY	221.9	71.72	71.5	0.22
RDEL	DEL 294B	Hillsboro	OH	359.9	113.59	112.5	1.09
WSRWFM	LIC 294B	Hillsboro	OH	359.9	113.59	112.5	1.09
RADD	ADD 242A	Salt Lick	KY	70.1	11.74	9.5	2.24
WRLVFM	RSV 293C3	Salyersville	KY	141.9	45.78	41.5	4.28
WIVY	LIC 242A	Morehead	KY	72.1	14.36	9.5	4.86
RDEL	DEL 242A	Morehead	KY	72.1	14.36	9.5	4.86
WVEZ	LIC 295B	Louisville	KY	278.2	196.03	177.5	18.53
WBKS	LIC-Z 296A	Ironton	OH	62.7	93.32	71.5	21.82
WKCBFM	LIC 296A	Hindman	KY	147.1	107.00	71.5	35.50
WHIRFM	CP 296A	Danville	KY	247.2	108.68	71.5	37.18
WKFS	LIC-N 296B1	Milford	OH	324.5	133.34	95.5	37.84
WJSNFM	LIC 293A	Jackson	KY	164.4	68.75	30.5	38.25
WHIRFM	LIC-N 296A	Danville	KY	243.3	114.75	71.5	43.25
WCDA	LIC 292A	Versailles	KY	262.6	79.14	30.5	48.64
WVKM	LIC-N 294C3	Matewan	WV	114.9	137.69	88.5	49.19
WIOK	LIC 298A	Falmouth	KY	307.1	82.44	30.5	51.94
WZZZ	LIC 298A	Portsmouth	OH	39.1	83.34	30.5	52.84
WMIT	LIC 295C	Black Mountain	NC	156.0	291.88	225.5	66.38
WLXO	LIC-Z 241A	Stamping Ground	KY	275.0	82.86	9.5	73.36
WLXO.C	CP -Z 241A	Stamping Ground	KY	275.0	82.86	9.5	73.36
WNKR	LIC 293A	Williamstown	KY	303.4	109.79	30.5	79.29
WAMX	LIC-N 292B1	Milton	WV	71.2	128.54	47.5	81.04
WZLK.C	CP 298A	Virgie	KY	128.8	119.41	30.5	88.91
WCTTFM	LIC 297C2	Corbin	KY	197.1	143.96	54.5	89.46
WZLK	LIC 298A	Virgie	KY	132.7	124.47	30.5	93.97
RDEL	DEL 295B	Marion	OH	8.3	277.38	177.5	99.88
WMRNFM	LIC 295B	Marion	OH	8.3	277.38	177.5	99.88
WKXDFM	LIC-Z 295C2	Monterey	TN	213.4	267.63	165.5	102.13
WAZU	LIC 296A	Circleville	OH	20.8	181.13	71.5	109.63

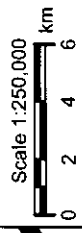
-----

(c) 2005 CHARLES M. ANDERSON ASSOCIATES

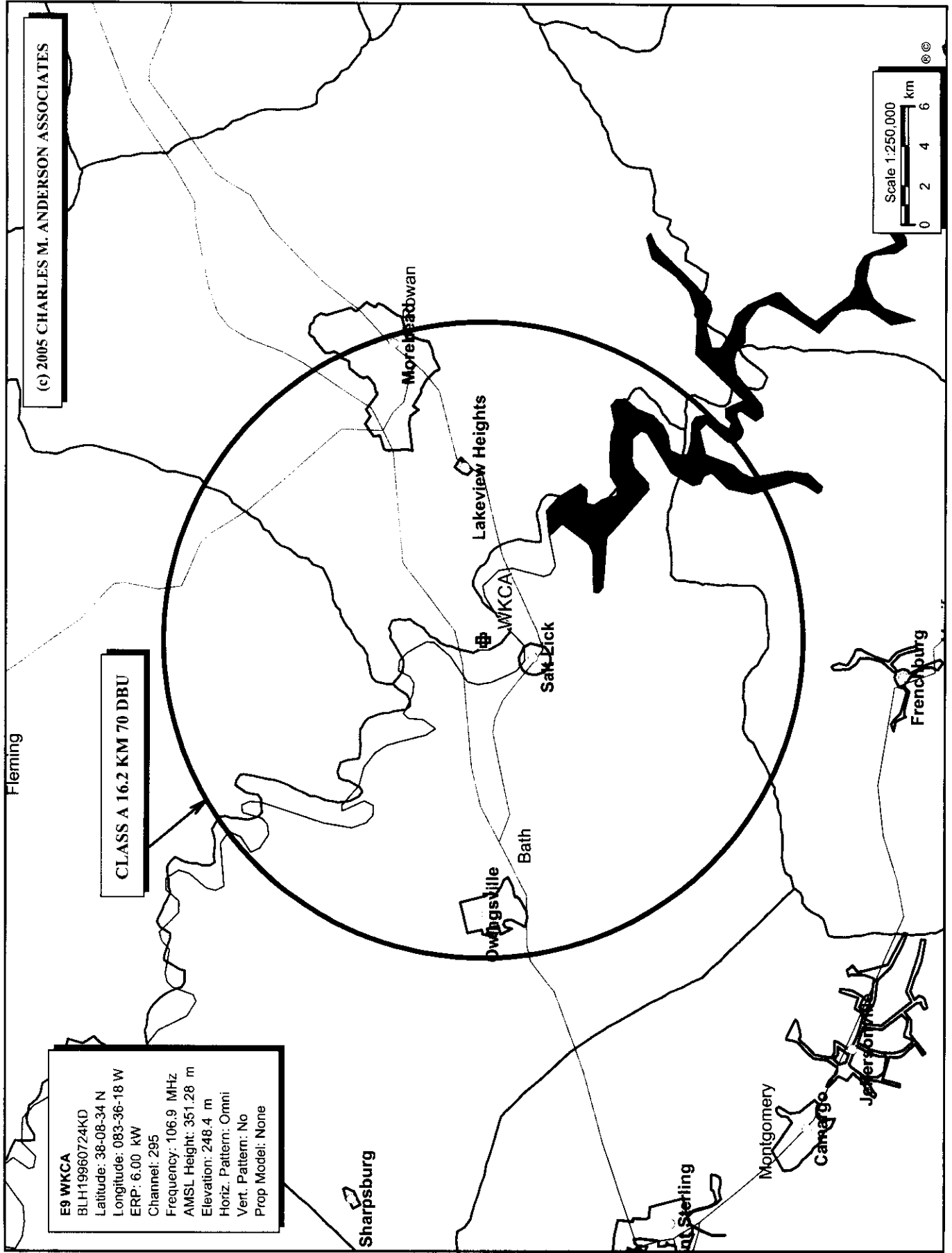
CLASS A 16.2 KM 70 DBU

**E9 WKCA**

BLH19960724KD  
Latitude: 38-08-34 N  
Longitude: 083-36-18 W  
ERP: 6.00 kW  
Channel: 295  
Frequency: 106.9 MHz  
AMSL Height: 351.28 m  
Elevation: 248.4 m  
Horiz. Pattern: Omni  
Vert. Pattern: No  
Prop Model: None

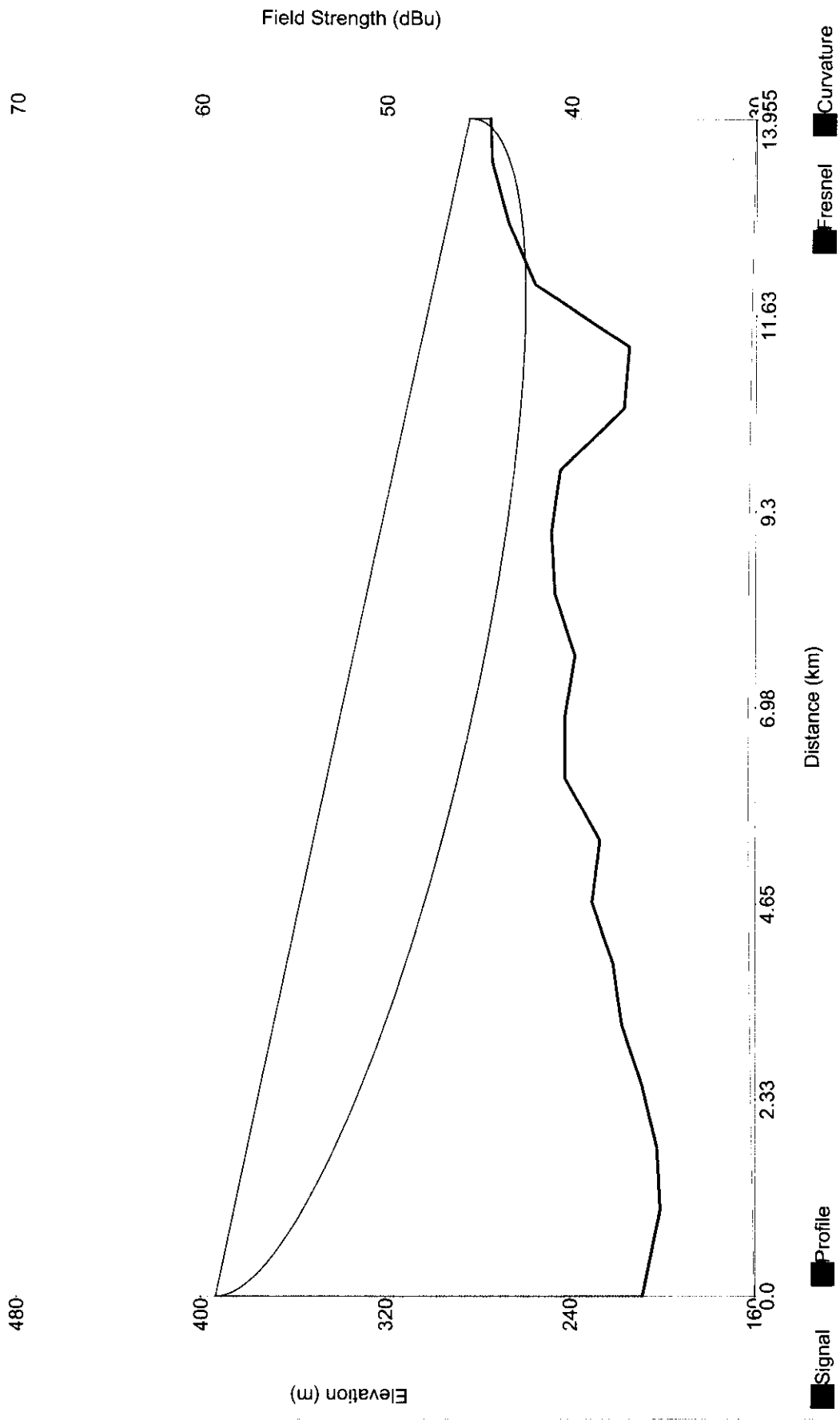


©



# E10 295A LINE OF SIGHT TO OWINGSVILLE - 100 METER TOWER

Earth's Curvature = 1.33



Starting Latitude: 38-08-34 N      End Latitude: 38-08-41 N      Distance: 13.954681508 km  
Starting Longitude: 083-36-18 W      End Longitude: 083-45-51 W      Bearing: 270.935 deg

Transmitter Height (AG) = 100.0 m      Transmitter Elevation = 293.9 m (Topo Map)      Frequency = 106.9 MHz  
Receiver Height (AG) = 9.1 m      Receiver Elevation = 275.1 m      Fresnel Zone: 0.6

E9

Latitude: 38-08-34 N  
Longitude: 083-36-18.01 W

Channel: 295

(c) 2005 CHARLES M. ANDERSON ASSOCIATES

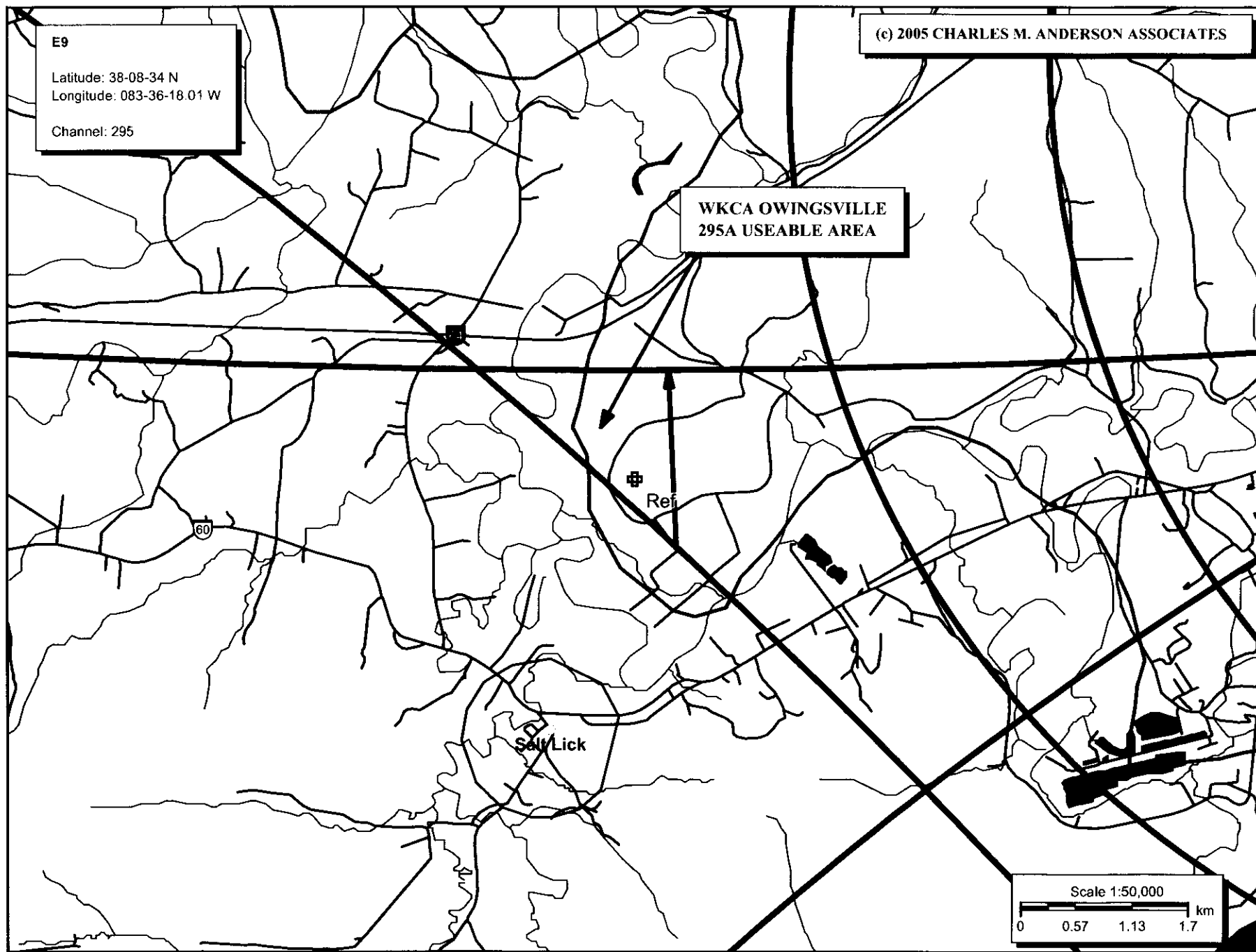
WKCA OWINGSVILLE  
295A USEABLE AREA

Ref

Salt Lick

Scale 1:50,000

0 0.57 1.13 1.7 km




## EXHIBIT B

**Station WKCA  
Owingsville, Kentucky**

Gateway Radio Works, Inc. ("Gateway"), licensee of Station WKCA, Owingsville, Kentucky, hereby consents, under the conditions set forth below, to a change in its channel to FM Channel 295A and a possible move of WKCA's licensed transmitter site. The foregoing consent is specifically conditioned on the grant by the Commission of the accompanying rule making proposal, of which this consent is an integral part, in its totality. Should any part of the rule making proposal be dismissed or denied, this consent is invalid. Should the rule making proposal, including the foregoing changes, be approved in its totality, Gateway will file an application consistent with the Rules of the Federal Communications Commission to implement the changes. Gateway understands that this statement may be used in a filing with the Federal Communications Commission and hereby authorizes its use for that purpose.

I verify that this statement is true and accurate to the best of my knowledge, information and belief and is made in good faith.

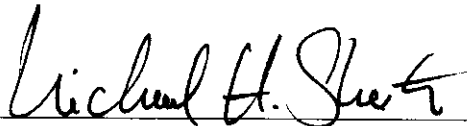
GATEWAY RADIO WORKS, INC.

By:   
Hays McMakin  
President

# **CERTIFICATE OF SERVICE**

I, Michael H. Shacter, do hereby certify that true copies of the foregoing "Petition for Rulemaking" were sent this 26 day of April, 2005 by U.S. first class mail, postage prepaid, to the following:

Hammond Broadcasting, Inc.  
13297 Green Road  
Walton, KY 41094

  
\_\_\_\_\_  
Michael H. Shacter